

Joan Weathers
17 Judson Avenue
East Hartford, CT 06118

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 990809-010-067

vs.

Joan Weathers, RN, Lic. No. R55518
Respondent.

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter the "Department") with an Interim Consent Order executed by Joan Weathers (hereinafter "respondent") and the Department. The Interim Consent Order provided for the registered nurse license of respondent to be suspended until March 1, 2000 pending a resolution of allegations by the Department that respondent engaged in conduct which fails to conform to the accepted standards of the nursing profession. The Board accepted the Interim Consent Order on October 20, 1999. Dept. Exh. 2-D.

On March 1, 2000, the Department presented to the Board a Statement of Charges and Motion for Summary Suspension dated February 24, 2000 (Dept. Exh. 2). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by respondent.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of respondent presented a clear and immediate danger to public health and safety. On March 1, 2000, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the registered nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated March 1, 2000, scheduling a hearing for March 15, 2000. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Dept Exh 1 indicates that the Summary Suspension Order, Notice of Hearing and Statement of Charges were served on respondent by a deputy sheriff on March 2, 2000. Transcript, March 15, 2000, p. 4.

The hearing took place on March 15, 2000 in the Town Council Chambers, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, March 15, 2000, pp. 2 - 3.

Respondent did not file an Answer to the Statement of Charges. During the hearing, the Department filed a Motion to Deem Allegations Admitted (Dept. Exh. 1). The Board granted the Department's Motion. Transcript, March 15, 2000, pp. 4-5.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued registered nurse license number R55518 on June 26, 1998 and was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2-B.
2. At all relevant times, respondent was employed as a registered nurse at Riverside Health Care Center, East Hartford, Connecticut. Dept. Exh. 2-A.
3. From approximately 1998 through 1999, while working as a registered nurse at Riverside Health Care, respondent:
 - a. diverted for her own personal use the controlled substance oxycodone and other narcotics;
 - b. failed to document completely, properly, and/or accurately medical or hospital records; and/or,
 - c. falsified one or more Controlled Substance Receipt Records. Dept. Exh. 1-A-2.
4. From approximately 1998 through 1999, respondent abused or excessively used oxycodone and/or other narcotics. Dept. Exh. 1-A-2.
5. Respondent's abuse of oxycodone and other narcotics does, and/or may affect her practice as a registered nurse. Dept. Exh. 1-A-2.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Joan Weathers, R.N., held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that from approximately 1998 through 1999, while working as a registered nurse at Riverside Health Care Center, in East Hartford, CT. , respondent:

- a. diverted oxycodone and other narcotics;
- b. failed to completely, properly and accurately document medical or hospital records; and/or
- c. falsified one or more Controlled Substance Receipt Records.

PARAGRAPH 4 of the Statement of Charges alleges that from approximately 1998 through 1999, respondent abused or utilized to excess, oxycodone and other narcotics.

PARAGRAPH 5 of the Statement of Charges alleges that the respondent's abuse of oxycodone and other narcotics does, and/or may, affect her practice as a registered nurse.

Respondent did not submit an answer to the Statement of Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies, the Board deems the allegations contained in Paragraphs 3, 4, and 5 of the Statement of Charges to be admitted.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in performing usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . . (6) fraud or material deception in the course of professional services or activities . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 2, 3, and 4 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2)(5) and (6). Therefore, respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

Order


Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 2, 3, 4 and 5 of the Statement of Charges, respondent's registered nurse license, No. R55518, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Joan Weathers, R.N., and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 16th day of August, 2000.

BOARD OF EXAMINERS FOR NURSING

By _____